

Exhibit A

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7 [Additional counsel appearing on signature page]

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 **LOUIS FLOYD**, individually and on behalf
13 of all others similarly situated,

14 Plaintiff,

15 v.

16 **SARATOGA DIAGNOSTICS, INC.**, a
17 California corporation, and **THOMAS**
18 **PALLONE**, an individual,

19 Defendants.

Case No. 5:20-cv-01520-LHK

**AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S REQUEST FOR ENTRY
OF DEFAULT AGAINST NON-
APPEARING DEFENDANTS**

20 I, Taylor T. Smith, declare under penalty of perjury that the following facts are true and
21 correct to the best of my information and belief:

22 1. I am one of the attorneys for Plaintiff Louis Floyd ("Floyd" or "Plaintiff") and the
23 alleged Class in the above captioned matter. I am over the age of 18 and can competently testify
24 to the matters set forth herein if called upon to do so.

25 2. Plaintiff's Complaint was filed on March 1, 2020 against Defendants Saratoga
26 Diagnostics, Inc. ("Saratoga"), a California corporation, and Thomas Pallone ("Pallone"), an
27 individual. (Dkt. 1.)

28 3. A Summons directed to both defendants was issued on March 2, 2020. (Dkt. 5.)

4. On June 8, 2020, Plaintiff, via first-class U.S. Mail, served Defendant Pallone with
a copy of the Complaint and Summons (Dkt. 22), placing his deadline to respond to Plaintiff's

1 Complaint on or before June 29, 2020.

2 5. On August 7, 2020, Plaintiff served Defendant Saratoga with a copy of the
3 Compliant and Summons by leaving a copy with the California Secretary of State (dkt. 27), which
4 constitutes effective service on August 17, 2020. Thus, Saratoga's deadline to respond to
5 Plaintiff's Complaint on or before September 8, 2020.

6 6. To date, none of the defendants have reached out to Plaintiff, filed an answer, or
7 otherwise responded.

8 7. Therefore, Plaintiff requests that the Court enter default against Defendants
9 Saratoga and Thomas Pallone.

10 Further affiant sayeth not.

11 I declare under penalty of perjury that the foregoing is true and correct and that this
12 declaration was executed in the State of Colorado, on October 7, 2020.

13
14 Respectfully,

15 /s/ Taylor T. Smith

16 Taylor T. Smith
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